

Remarks

Reconsideration and reexamination of the above-identified patent application, are respectfully requested. Claims 1-22 are pending in this application. Of the pending claims, claims 1, 14-15, and 17 are the only independent claims.

Claim Rejections - 35 U.S.C. § 102

In the final Office Action mailed May 3, 2004, the Examiner rejected claims 1-22 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,128,912 issued to Hug et al. ("Hug"). The Applicant respectfully traverses this rejection and believes that the claimed invention is patentable over Hug.

1. The Claimed Invention

The claimed invention as recited in amended independent claims 1, 14-15, and 17 is generally directed to a storage library for the storage and retrieval of media objects. Independent claims 1 and 14 recite a storage library; independent claim 15 recites a robotic mechanism for a storage library; and independent claim 17 recites a method of operating a storage library.

As recited in representative independent claim 1, the storage library includes a frame. First and second horizontally arranged rows of media object storage cells are arranged within the frame in a common plane. Each of the media object storage cells is for housing a media object. A horizontally arranged track is attached to the frame and arranged in the common plane. The track is disposed adjacent to the first row of media object storage cells. A robotic mechanism is coupled to the track for moving horizontally along the track. A media object manipulation mechanism is coupled to the robotic mechanism. The media object manipulation mechanism is vertically movable for moving between the first and second rows of media object storage cells when the robotic mechanism is coupled to the track in order

to manipulate the media objects housed within the first and second rows of media object storage cells.

Dependent claims 6 and 10 and independent claims 14-15 further recite that such horizontally arranged track(s), which are attached to the frame and arranged in the common plane of the rows of storage cells, are also disposed between the rows.

2. Hug

FIGS. 1-2 and 6-8; col. 4, lines col. 4, line 29 through col. 5, line 14; col. 7, lines 16-22; and col. 8, line 14 through col. 9, line 16 of Hug generally disclose the relevant features of Hug. Hug generally discloses a storage library having two frames 12 and 14. Each frame has rows of media object cells within a frame. Hug also discloses two robotic mechanisms (i.e., "carriage assemblies") 26 and 28 for moving horizontally along the frames and vertically along the rows of the frames. Frames 12 and 14 and robotic mechanisms 26 and 28 generally have identical features so only one set of elements will be described in further detail.

Robotic mechanism 26 is supported for the horizontal and vertical movement by an overall carriage support arrangement 30. Support arrangement 30 includes a pair of horizontally arranged upper and lower tracks 32 which support a vertically extending post 36. Robotic mechanism 26 is movable vertically along post 36 and the post is horizontally movable along tracks 32.

Significantly, post 36, and hence robotic mechanism 26, is coupled to two tracks 32 and 34 in order to move horizontally. More significantly, Hug does not disclose or suggest that either of upper and lower tracks 32 are attached to frame 12. Lower track 32 appears to be attached to the floor or ground of a room in which the storage library is placed. (See FIG. 1.) Upper track 34 appears to be above the height of frame 12. (See FIGS. 1-2 and 6.) As such, upper track 34 may be intended to be attached to the ceiling of the room in which the

storage library is placed. In any event, again, neither of upper and lower tracks 32 are attached to frame 12.

Furthermore, Hug discloses that upper and lower tracks 32 are placed in a space between the frames 12 and 14. As such, Hug does not disclose or suggest that either of tracks 32 are arranged in a common plane in which first and second rows are arranged within a frame.

3. The Claimed Invention Compared to Hug

The claimed invention, as recited in the independent claims, generally differs from Hug for the following reasons:

1. The horizontally arranged track is attached to the frame;
2. The track is arranged in the common plane in which the first and second rows of media object storage cells of the frame are arranged; and
3. The robotic mechanism is coupled to the track.

In contrast, Hug discloses:

1. Two horizontally arranged tracks 32. Neither of the tracks are attached to the frame 12;
2. The tracks are arranged in the space between two frames. As such, neither track is arranged in the common plane in which rows of the frame are arranged; and
3. The robotic mechanism 26 is coupled to two tracks 32 by a post 36. As such, the robotic mechanism is not coupled to the track.

Furthermore, the claimed invention as recited in dependent claims 6 and 10 and independent claims 14-15 differs from Hug in that the track(s) are also disposed between the rows of the frame. In contrast, Hug discloses the lower track 32 as being at the vertically

height of the bottom row of a frame and, as such, does not disclose the lower track as being disposed between rows of one frame. (See FIG. 1.) Hug discloses upper track 32 as being at a vertical height above the top row of a frame and, as such, does not disclose the upper track as being disposed between rows of one frame. (See FIGS. 1-2 and 6.)

4. Applicant's Reply to Examiner's Response to Arguments

In the final Office Action, the Examiner quoted the Applicant's arguments made in the Amendment mailed February 11, 2004 as follows:

"The claimed invention generally differs from Hug in that in the claimed invention a track is attached to the frame of the storage library and is arranged in the common plane of the rows of storage cells which are arranged within the frame." and "As such, Hug does not teach or suggest horizontally arranged tracks disposed between rows of storage cells as recited in dependent claims 6 and 10 and amended independent claims 14-15."

The Examiner responded by positing that FIG. 6 discloses that a component of storage library 10 is a frame and that, as shown in FIG. 6, the frame and tracks are arranged in a common plane. The Applicant notes that FIG. 6 is a side elevational view of the storage library 10 as shown in FIG. 1. In FIG. 6, upper track 32 is shown as being offset to the left of frame 12. As such, FIG. 6 does not illustrate a track as being attached to the frame or arranged in the common plane of the storage cell rows of the frame.

The Examiner further responded that FIGS. 1 and 6 illustrate the tracks 32 and 34 of Hug as being disposed between the rows of storage cells 12 and 14. The Applicant notes that FIGS. 1 and 6 illustrate the tracks 32 and 34 as being disposed in the space between storage libraries 12 and 14. As such, FIGS. 1 and 6 do not illustrate the tracks 32 and 34 as being disposed between the rows of one storage library, i.e., between the rows of the frame as provided by the claimed invention.

In view of the above remarks, the Applicant believes that the claimed invention as set forth in independent claims 1, 14-15, and 17 is patentable under 35 U.S.C. § 102(b) over Hug. Claims 2-13, 16, and 18-22 depend from one of the independent claims and include the limitations therein. Therefore, the Applicant respectfully requests reconsideration and withdraw of the rejection to the claims under 35 U.S.C. § 102(b).

CONCLUSION

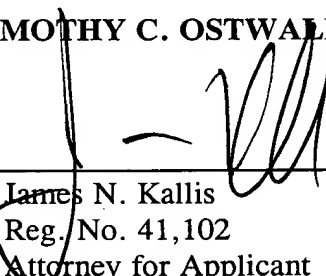
In summary, claims 1-22, meet the substantive requirements for patentability. The case is in appropriate condition for allowance. Accordingly, such action is respectfully requested.

If a telephone or video conference would expedite allowance or resolve any further questions, such a conference is invited at the convenience of the Examiner.

Respectfully submitted,

TIMOTHY C. OSTWALD et al.

By


James N. Kallis
Reg. No. 41,102
Attorney for Applicant

Date: May 25, 2004

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351